

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : R. Perelman, et al. Art Unit : 2151
Serial No. : 10/006,260 Examiner : Backhean Tiv
Filed : November 2, 2001 Conf. No. : 5097
Title : CLIENT-SIDE MODIFICATION OF ELECTRONIC DOCUMENTS IN A
CLIENT-SERVER ENVIRONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Applicants hereby request reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced application. Reconsideration of the PTA calculation to increase total PTA from 2,805 days to 2,832 days is respectfully requested.

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

PTO Delay

A first PTO action was due on or before January 2, 2003 (the date that is fourteen months after November 2, 2001, the date on which the application was filed). The PTO mailed the first non-final Office Action on January 27, 2005, thereby according a PTO Delay of 756 days. Applicants do not dispute the PTO's calculation for this PTO Delay from January 3, 2003 (the day after the date that is fourteen months after the date on which the application was filed), to January 27, 2005. See 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1).

The PTO mailed a Board of Patent Appeals and Interferences decision reversing the Examiner on June 15, 2011. Applicants filed a Notice of Appeal on October 19, 2005. A period of 2,053 days was accorded in conjunction with this period of PTO Delay. Applicants respectfully submit that a period of 2,065 days is appropriate for delay from October 19, 2005 (the day the Notice of Appeal was filed), to June 15, 2011. See 37 C.F.R. §1.702(2).

A PTO action was due on or before October 15, 2011 (the date that is four months after June 15, 2011, the date on which a final decision by the Board of Patent Appeals and Interferences was mailed). The PTO mailed a Notice of Allowance on October 28, 2011. A period of 0 days was accorded in conjunction with this period of PTO Delay. Applicants respectfully submit that a period of 13 days is appropriate for delay from October 16, 2011 (the

day after the date that is four months after the date on which a final decision by the Board of Patent Appeals and Interferences was mailed), to October 18, 2011. See 37 C.F.R. §§ 1.703(a)(5).

In view of the periods of PTO Delay detailed above, the total PTO Delay for this application at allowance should be calculated as 2,834 days (i.e., the sum of 756 days, 2,065 days, and 13 days).

Applicant Delay

A reply to an Office Action was due on or before April 27, 2005 (the date that is three months after January 27, 2005, the date on which the Office Action was mailed). Applicants filed a response to the Office Action on April 29, 2005, thereby according an Applicant Delay of 2 days. Applicants do not dispute the PTO's calculation for this Applicant Delay from April 28, 2005 (the day after the date that is three months after the date on which the Office Action was mailed), to April 29, 2005. See 37 C.F.R. § 1.704(b).

A reply to an Office Action was due on or before October 19, 2005 (the date that is three months after July 19, 2005, the date on which the Office Action was mailed). The Patent Term Adjustment History in the PAIR system indicates Applicants filed a Notice of Appeal on October 21, 2005. Applicants were accorded a delay of 2 days for a late response. Applicants filed the Notice of Appeal on October 19, 2005. Applicants assert that the entry of the Notice of Appeal on October 21, 2005, instead of October 19, 2005, was made in error. Applicants respectfully request the Applicant Delay for this entry be decreased from 2 days to 0 days. See 37 C.F.R. § 1.704(b).

In view of the periods of Applicant Delay detailed above, the total Applicant Delay for this application should be calculated as 2 days (i.e., the sum of 2 days and 0 days).

Terminal Disclaimer

This application is not subject to a terminal disclaimer.

Conclusion

In consideration of the events described above, Applicants believe the PTA calculation of 2,805 days is incorrect. As such, Applicants respectfully request reconsideration of the PTA in the following manner:

- 1) Total PTO Delay should be calculated as 2,834 days;
- 2) Total Applicant Delay should be calculated as 2 days; and
- 3) Total PTA should be calculated as 2,832 days.

The fee of \$200 required under 37 C.F.R. § 1.18(e) is being submitted herewith. Please apply any other required charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 07844-0501001.

Respectfully submitted,

Date: January 5, 2012

/Kim H. Leung/

Kim H. Leung
Reg. No. 64,399

Fish & Richardson P.C.
Customer Number 21876
Telephone: (858) 678-5070
Facsimile: (877) 769-7945